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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED

STATES OF AMERICA AND THE GOVERNMENT OF THE

UNION OF SOVIET SOCIALIST REPUBLICS

ON

THE PREVENTION OF NUCLEAR WAR

[General comments about U.S. objectives: In dealing with the Soviet proposal for an agreement on this subject, the U.S. has had the following principal objectives:

- -- To see to it that any document that emerged would be so phrased that violation of it could be used by the U.S. as a breach of a U.S.-Soviet understanding and therefore justify U.S. action directed against Soviet attempts to establish hegemony.
- -- To avoid any impression of a U.S. -Soviet condominium by keeping out of the document any implied right of interference in conflicts involving only third countries.
- -- For the same reason, to make every obligation between the two parties also applicable to third countries.
- -- To make as a future goal the objective of renouncing nuclear weapons and to make it dependent on acceptable goals of international behavior.

These objectives have all been achieved.

Following is the text of the draft agreement with commentary pointing up the significant changes that were obtained in the previous text.]

The United States and the Soviet Union

Guided by the objectives of strengthening world peace and international security;

Conscious that nuclear war could have devastating consequences

for mankind;

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

Proceeding from the desire to bring about conditions in which the danger of an outbreak of nuclear war anywhere in the world would be reduced and ultimately eliminated;

Proceeding from their obligations under the Charter of the United Nations regarding the maintenance of peace, refraining from the threat or use of force, and the avoidance of war, and in conformity with agreements to which either has subscribed;

Proceeding from the basic principles of relations with the United States of America and the Union of Soviet Socialist Republics signed in Moscow on 29 May, 1972;

Reaffirming that the development of U.S.-Soviet relations is not directed against third countries and their interests.

[Comment: The following additions have been made in the preamble. There is a new paragraph "Proceeding from the desire to bring about conditions in which the danger of an outbreak of nuclear war anywhere in the world would be reduced and ultimately eliminated"; the purpose of this is to make clear that an objective, not an obligation, is involved. In the next paragraph there is a new clause referring to "agreements to which either has subscribed," in which the U.S. would include the Shanghai Communique as governing its actions. There is a new paragraph which reaffirms that "the development of U.S.-Soviet relations is not directed against third countries and their interests."]

Have agreed as follows:

ARTICLE I

The United States and the Soviet Union solemnly agree that an objective of their policy is to remove the danger of nuclear war and of the use of nuclear weapons.

Accordingly, they agree that they will act in such a manner as to prevent the development of situations capable of causing a dangerous exacerbation of their relations, as to avoid military confrontations and as to exclude the outbreak of nuclear war between themselves and between either party and third countries.

[Comment: First, what was stated in the Soviet draft as an obligation is now stated as an objective. Secondly, whereas in the Soviet draft there was a distinction between the solemn obligation concerning nuclear war and weapons on the one hand, and attaching great importance to preventing situations which could aggravate bilateral relations on the other hand, the draft agreement now puts these two goals on the same level. Thirdly, where the article used to say that the two countries will do all that is necessary to exclude nuclear war, it now says that "they will act in such a manner as to" exclude this possibility. Finally, whereas the Soviet draft pointed only to the exclusion of nuclear war between the two countries, the draft agreement now also refers to nuclear war "between either party and third countries." In addition, this article is organically linked to the following article in that the relationship between nuclear use and any use of force is not separated, as it was in the Soviet resolution in the United Nations.]

ARTICLE II

The two parties agree, in accordance with Article I and to realize its objective, to proceed from the premise that they will refrain from the threat or use of force by one party against the other, by one party against the Allies of the other and by either party against third countries, in circumstances which may endanger international peace and security. The two parties solemnly agree that they will be guided by these considerations in the formulation of their foreign policy and in their actions in the field of international relations.

[Comment: As already indicated, the language now links organically the renunciation of force in this article to Article I concerning nuclear use and makes the two matters dependent on one another. Furthermore, whereas the Soviet draft stated that the two parties "will be guided by this consideration" the draft agreement now states that "they solemnly agree that they will be guided by these considerations," namely the renunciation of force.]

ARTICLE III

The two parties undertake to develop their relations with each other and with third countries in a way consistent with the above purposes.

[Comment: This article is also linked to the interpretation of the first two articles, in that the objective of avoiding military confrontations and reducing the danger of nuclear war and of nuclear use applies equally to relations with third countries as well as between the U.S. and the USSR. The second sentence of the previous draft of this article has been deleted because it was too bilateral in nature, and its basic ideas have been put into the preamble.]

ARTICLE IV

If at any time relations between the parties or between either party and third countries appear to involve the risk of a nuclear conflict, or if relations between states not parties to the Agreement appear to involve the risk of nuclear war between the U.S. and USSR or between either of them and third countries, the United States and the Soviet Union, acting in accordance with the provisions of this Agreement, will immediately enter into urgent consultations with each other and make every effort to avert this risk.

[Comment: First, the draft agreement now takes into account the observation concerning the clause "relations between states not parties to the Agreement" by limiting this reference to "the risk of nuclear war

between the U.S. and USSR or between either of them and third countries"; thus there is no implication of a generalized right of interference. Secondly, in any situation where there was a danger of nuclear war, consultations between the U.S. and USSR would no doubt occur in any event. Thirdly, in case of the threat of nuclear war between the Soviet Union and a third country, this article provides the obligation for prior consultation with the U.S.; if this obligation were not met, this would justify the drawing of conclusions by the U.S.]

ARTICLE V

Each party shall be free to inform the Security Council, the Secretary General of the United Nations and the Governments of allied or third parties of the progress and outcome of consultations initiated in accordance with Article IV of this Agreement.

[Comment: This article has been broadened to include the Security Council, the UN Secretary General and third parties as well as allies.]

ARTICLE VI

Nothing in this Agreement shall affect or impair

- (a) the inherent right of individual or collective self-defense, provided for by Article 51 of the Charter of the United Nations;
- (b) the provisions of the Charter of the United Nations relating to the maintenance or restoration of international peace and security:
- (c) the obligations undertaken by the United States and the Soviet Union toward their allies or other countries in treaties, agreements and other appropriate instruments.

[Comment: In paragraph (c) there is the addition of "other appropriate instruments" in which the U.S. would propose to include exchanges and letters with third countries or unilateral American obligations expressed in appropriate documents such as Presidential letters.]

AGREEMENT

between the Union of Soviet Socialist Republics and the United States of America

on

the prevention of nuclear war

The United States and the Soviet Union

Guided by the objectives of strengthening world peace and international security;

Conscious that nuclear war could have devastating consequences for mankind;

Proceeding from obligations under the Charter of the United Nations regarding the maintenance of peace, refraining from the threat or use of force, and the avoidance of war;

Proceeding from the basic principles of relations between the United States of America and the Union of Soviet Socialist Republics signed in Moscow on 29 May, 1972,

Have agreed as follows:

ARTICLE I

The United States and the Soviet Union solemnly agree to remove the danger of nuclear war and of the use of nuclear weapons. Accordingly the USSR and the US attach great importance to the prevention of occurence of the situations which can cause dangerous aggravation of relations between the Soviet Union and the United States. Proceeding from this they will do all that is necessary not to allow military confrontations and to exclude an outbreak of nuclear war between them.

ARTICLE II

The two parties, acting in the spirit to achieve the objectives of Article I, will refrain from the threat or use of force by one party against the other, by one party against the allies of the other, and by either party against third countries in circumstances which may endanger international peace and security. They will be guided by this consideration in the formulation of their foreign policies and in their actions in the field of international affairs.

ARTICLE III

The two parties undertake to develop their relations with each other and with third states in a way consistent with the above purposes. This Agreement in no way affects the interests of third countries and has as its sole aim the prevention of nuclear war, of the threat of its outbreak, and the preservation of peace.

ARTICLE IV

If at any time the relations of one or both of the parties to this Agreement with each other or with a state or states not parties to this Agreement appear to involve the risk of a nuclear conflict, or if relations between states not parties to the Agreement appear to involve such a risk, the United States and the Soviet Union, acting in accordance with the provisions of this Agreement, will immediately enter into urgent consultations with each other and make every effort to avert this risk.

ARTICLE V

Each party shall be free to inform the Governments of allied parties of the progress and outcome of consultations initiated in accordance with Article IV of this Agreement.

ARTICLE VI

Nothing in this Agreement shall affect or impair:

- a) the inherent right of individual or collective self-defence, provided for by Article 51 of the Charter of the United Nations;
- b) the provisions of the Charter of the United Nations relating to the maintenance or restoration of international peace and security;
- c) the obligations undertaken by the United States and the Soviet Union towards third countries in appropriate treaties and agreements.

BYRT NARA Date 7507

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

TOP SECRET/SENSITIVE EXCLUSIVELY EYES ONLY

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

Dr. Henry A. Kissinger, Assistant to the President

for National Security Affairs

Winston Lord, NSC Staff

Han Hsu, Deputy Chief of the PRC Liaison Office Chien Ta-yung, Official of the PRC Liaison Office Chi Chiao Chu, Official of the PRC Liaison Office

Mr. Kuo, Official of the PRC Mission to the

United Nations

DATE AND TIME:

Tuesday, May 15, 1973 10:20 a.m. - 11:00 a.m.

PLACE:

The Map Room, The White House

Before Dr. Kissinger arrived, Mr. Lord and the Chinese held informal conversation. Mr. Lord asked them if everything was going well and said that he had heard they had narrowed down their choices for a residence for their Liaison Office to a couple of places. The Chinese responded that things were going smoothly and confirmed that they had narrowed down their choices. Mr. Lord hoped they had some chance for sightseeing and relaxation, and Ambassador Han replied that they had not had to work too hard. They had been sightseeing on two occasions. Mr. Lord welcomed Mr. Kuo from New York and asked him if it was his first time to Washington. Mr. Kuo said that it was and that he had come on short notice just for a couple of days.

Mr. Kuo said that he had heard about Mr. Lord's departure from the staff from the newspapers. Mr. Lord confirmed this, and he noted that he had talked to Mrs. Shih about this and earlier to members of the Liaison Office. Mr. Lord reviewed the reasons for his leaving, namely, rest, reflection, recharge his batteries, and see more of his family. He reiterated that he would stay in the Washington area and hoped to see the Chinese on a personal basis. He said that he might be back in government some day,

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perhaps working for Dr. Kissinger, but that he needed to take a break at this point. If he did come back, he would then be all the more efficient. The Chinese repeated their regrets that Mr. Lord was leaving and their hope to see him on a private basis and inquired about his replacement. Mr. Lord responded that the staff was being somewhat reorganized and Dr. Kissinger was bringing in some good new people, but that in any event there would be continuity. He cited Messrs. Howe (temporarily), Rodman, and Solomon.

After ten minutes Dr. Kissinger arrived and the meeting began.]

Dr. Kissinger: I'm sorry I'm late. I was with the President, and I could not get away. How is your search for housing progressing?

Ambassador Han: There's been some slight progress. The Skyline place has been ruled out.

Dr. Kissinger: You mean the one in Southwest?

Ambassador Han: Yes. The Ramada Inn is not bad.

Dr. Kissinger: Where is that?

Mr. Chi and Mr. Lord: Thomas Circle, on 14th Street.

Dr. Kissinger: Does it have some grounds?

Ambassador Han: There's a larger area than in the Embassy Row Apartments. There's a big swimming pool.

Dr. Kissinger: I will come for a swim. Has there been any progress in finding a residence?

Ambassador Han: No.

Dr. Kissinger: First, you are concentrating on finding an office and then the residence. I'm eager for your cook to arrive. (Laughter)

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Ambassador Han: We are also hoping for an early arrival.

Dr. Kissinger: I am sure of that.

I appreciate your agreeing to see me here, Mr. Ambassador. It is very difficult for me to go to New York since I'm leaving tomorrow for Paris. I wanted the Prime Minister to have an account of our meeting. (Mr. Lord indicated to Dr. Kissinger while this was being translated that the Chinese wished to keep the meeting secret. They had told Mr. Lord this as they were walking from their car to the Map Room.) We can keep this meeting secret very easily. The entrance at this point of the White House is not known to the press. If you are seen, we will say that it concerned preparations for housing and technical things. But there is no possibility that it will be seen.

Ambassador Han: Our hope is that this meeting will be, as previous meetings, kept secret.

<u>Dr. Kissinger:</u> You can be sure that from our side there will be no discussion of it. Just on the one chance in a thousand that someone sees you drive out this has never happened before -- we will just say this is a routine visit connected with technical arrangements for housing. There's no possibility. I'm just protecting against the possible chance. I use this room for meetings when I do not want them to become known.

Let me talk about my visit to Moscow and my general impressions. I spent four days in Zavidovo, which is the hunting lodge of the Politburo. Most of my time was in conversations with General Secretary Brezhnev. First I'll talk to you about matters that concern the United States and the Soviet Union. Then let me talk about what we said concerning China. And then let me tell you what our policy is, because it is important that Peking and Washington understand each other completely.

First let me talk to you about the various drafts of the nuclear proposals that the Soviet Union has made to us. (He pulls out his folder.) We've given you every previous draft, and I have attached the last draft that the Soviet Union gave us, and where it stands now after discussion there. (Dr. Kissinger writes an addition on one of the attachments that he is about to hand over.)

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Let me explain what we are trying to do. If we want to establish a condominium with the Soviet Union, we don't need a treaty. We've had many offers to that effect. If we want to gang up with China against the Soviet Union we don't need to make any arrangements, as I will explain to you later. What we are trying to do first of all is to gain some time. Secondly, to establish a legal obligation as between us and the Soviet Union, that requires the Soviet Union to consult with us before taking any military acts, so if they do take any military actions without consulting us, they will have taken unilateral acts which gives us the basis for common action, which we do not now possess with regard to third countries. So what we have done in our discussions, which are not yet finally completed, is first of all to insist that any obligation that applies between us and the Soviet Union applies also between the Soviet Union and third countries. Secondly, that the objective of not using nuclear weapons can be realized only if there's a renunciation of the use of any force. Thirdly, any consultations that occur between us and the Soviet Union are confined to those cases where the two countries might go to war against each other or they might threaten a war against a third country. Thirdly (sic) where it says in the draft that nothing should impair existing agreements, etc., the Soviet Union wanted only to say when there are treaties and formal agreements, and we insisted that it should include "other appropriate instruments" such as letters and communiques.

Ambassador Han: That's the fourth point.

Dr. Kissinger: Yes.

Mr. Chi: Nothing should impair . . . ?

<u>Dr. Kissinger:</u> (reading from the draft treaty) "Nothing in this agreement shall affect or impair the obligations undertaken by the United States and the Soviet Union toward their allies or other countries in treaties, agreements, and other appropriate instruments."

We have prepared a document on where this now stands with our explanation of what it means, for whatever views you want to express. There are three basic objectives. First, to gain time. Secondly, to force the Soviet Union if it engages in military actions to do so out of a posture of peace rather

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than an atmosphere of tension. Thirdly, it gives us legal obligations for our position in case of countries where we don't have formal arrangements. (He hands over the annotated current draft and the previous version that the Chinese had seen, attached at Tab A).

Mr. Chi: The second principle concerned . . . could you kindly repeat this?

<u>Dr. Kissinger:</u> We want to make sure that when the Soviet Union attacks it will be from a posture of relaxation of tension immediately to war, rather than from a prolonged period of tension which confuses the issue.

Of course, no one knows we are giving you this. The single-spaced part is our comment.

While talking on this subject, let me mention a discussion with Mr. Brezhnev that concerned China. Brezhnev took me hunting one day, which is a sport I have never engaged in (the Chinese smile). In fact he went hunting, and I just walked along. In the Soviet Union one hunts from the stand in the trees with the animals below, so it is not excessively dangerous. After the shooting was over Brezhnev had a picnic lunch brought in, and it was just he and I and one interpreter. In this conversation he expressed his extremely limited admiration of China. (Laughter from the Chinese.) And he is a somewhat less disciplined and controlled leader than your Prime Minister. That is not new. That has been done before.

But then he said the Soviet Union and the United States had a joint obligation to prevent China from becoming a big nuclear power. And he said, "do you consider China an ally?" I said, "no, we don't consider it an ally -- we consider it a friend." He said, "well you can have any friends you want, but you and we should be partners" -- he meant Moscow and Washington. He repeated again that we have a joint responsibility to prevent China from becoming a nuclear power. And I said we recognize no such joint responsibility. That was it, in effect. The rest was simply tirades about China which there is no sense in repeating -- things like big power chauvinism, and as soon as you are strong enough you will also turn on us. That sort of thing, immaterial.

Then on the last day, I flew from that lodge to Moscow just to stop at our Embassy for 15 minutes, and I was accompanied by Dobrynin, their Ambassador here. He said that Brezhnev had asked him to make sure

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that I understood that the conversation at the hunting stand was meant to be serious and not a social conversation. He said he wanted to know whether there existed a formal agreement between the People's Republic and the United States. I said there didn't exist any agreement, but there existed appropriate instruments which we took from this draft, and that in any event we will be guided by our national interest -- which we had expressed in the President's Annual Report.

These were all the conversations which concerned China... except every time we mentioned third countries here, Gromyko would say that we were acting as the lawyer for China. Our views remain exactly as expressed by me to the Chairman and the Prime Minister, and by the President in his letters to the Chairman and the Prime Minister. We continue to believe that it should be the objectives of both our governments to continue to accelerate normalization to the point where it becomes clear that we have a stake in the strength and independence of the People's Republic.

I would be prepared, if the Prime Minister wanted, to come to Peking in August after the summit here in order to make a visit. It wouldn't have to be as long as previous visits because we've had basic talks. Maybe two days, or two or three days. If the Prime Minister -- we mentioned this in New York once -- were considering a visit to the United Nations, we would, of course, give him a very warm reception here in Washington, or if he would come only to Washington. Then we could announce that in the summer. But we could think of other measures to symbolize this.

I have a self-interest in this anyway because if those two things happen, Winston Lord would certainly come back from vacation. So you should also consider it from this wide perspective.

This is the general perspective. I also want to tell you that even though there are many changes in the staff, such as the departure of Winston Lord, there are also some compensations like the return of General Haig to the White House. And you can count on the continuity of our policy that we have been pursuing.

Those are the most important things from Moscow. Now I want to tell you a few minor things.

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With respect to SALT, we do not foresee an agreement this year on anything except general principles. (To Lord) Did we give them our latest proposal?

Mr. Lord (to Kissinger): We gave them the Soviet proposal.

<u>Dr. Kissinger:</u> By the end of this week we will give you our proposal, so you know what is being discussed in Geneva. We are working on this proposal this week. From my conversations in Moscow it's quite clear that there will be no concrete agreement except on general principles, and those principles are not yet worked out. When they are, we will show them to you. They will not be distinguished by excessive precision.

On MBFR there was practically no discussion except for the timing of negotiations later this year. We will also give you a summary of the position we are discussing with our allies. We have not yet discussed it with the Soviet Union. We will do that next week.

We are also preparing for the Summit a number of bilateral agreements of the same sort as last year -- agricultural research, oceanography, cultural exchange, civil aviation.

On the economic side, it was simply another reiteration by the Soviet leaders of their need for long term credits.

Again, we want to repeat that anything we are prepared to do with the Soviet Union we are prepared to do with the People's Republic. And conversely, we may be prepared to do things with the People's Republic that we are not prepared to do with the Soviet Union.

Those are the major things I discussed in the Soviet Union.

As to the visit of Brezhnev, he will be here eight days. He will spend five probably in Washington and two in Los Angeles or San Clemente. We haven't decided yet on some place in between, it may be Key Biscayne, it may be Detroit -- he is crazy about automobiles.

You know I'm going to Paris on Thursday to meet with — I can't call him Special Advisor anymore, he's the Deputy Prime Minister now (Laughter). Again I want to repeat what I've said to Ambassador Huang Hua and the Prime Minister, that it is really in the interest of all countries to bring about an observance of the ceasefire.

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Let me say one thing about all the domestic excitement you find in the United States at this point. Once you are here for some time you will see that there are always fits of hysteria descending on Washington in which people talk about nothing else. And six months later it's difficult to remember exactly all the details of the controversy. The conduct of foreign policy is unaffected, and may in fact be even slightly strengthened in some fields, because many of our opponents may even want to show how responsible they are. It will become clear within the next two months that control of foreign policy in the government is being strengthened.

So the lines laid down in the conversations in February in Peking were fixed and will be pursued with vigor, and I would not let the noise here in Washington be too distracting.

On Korea we would like to give you an answer in two weeks. Frankly I have not had time to prepare an adequate answer.

Cotton textiles. You sent us a note. We've asked the agencies not to pursue this subject until your Ambassador comes here. We have certain legal obligations imposed on us by the Congress. I can tell you now that if our relations are ever impaired it will not be because of cotton textiles. [laughter] This is an issue that will be easily settled.

I don't know whether the Ambassador has anything. [The Chinese discuss among themselves.]

Ambassador Han: I have two things I would like to take up with Dr. Kissinger. The first thing is that the day before yesterday, on the 13th, there was a demonstration here against us in which, according to reports, they burned the national flag.

Dr. Kissinger: We regret this deeply. It is inexcusable. We will do the maximum permitted under law to prevent this. We cannot prevent demonstrations in authorized places. We will do our best to minimize these incidents. And when we can physically stop them, we will, of course, stop them. I know I express the view of the President and the whole U.S. Government when I speak of our regret over this incident.

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Ambassador Han: Another thing -- this is a minor matter. The American columnist, Mr. Marquis W. Childs, he is in Peking now, and he told our people that Dr. Kissinger suggested that he call on the Premier.

Dr. Kissinger: I'm a great admirer of the Premier and therefore I always think it is of benefit for someone to see him. I think Marquis Childs is basically so well disposed toward China and so eager to be helpful that it might be in your interest if the Prime Minister saw him. He will certainly write very favorably, and is socially well-connected so that what he brings back will be very positive. But except for this I have no personal interest. If the Prime Minister is too busy it would not be considered a personal affront to me. (There is discussion among the Chinese.)

Ambassador Han: About keeping this meeting secret from the press. If in the one of a dozen possibilities we were seen as you mentioned . . .

Dr. Kissinger: I won't say anything. I will deny that I saw you.

Ambassador Han: . . . We will say that it was an ordinary call and in addition to an ordinary call we will say that we expressed our regret over the incident on the 13th.

<u>Dr. Kissinger:</u> That is fine. That is all right. We should not look for an opportunity to say anything. (laughter) There is practically no chance of your being seen. (To Mr. Lord) Correct?

Mr. Lord: That's right.

Dr. Kissinger: I'm glad to see my old friend (Mr. Kuo). I hope the Ambassador will come here.

Mr. Kuo: I came on very short notice.

Dr. Kissinger: I know about the system -- we will work it out.

Mr. Chi: Mr. Solomon and Mr. Romberg are working this out.

[There was some more light talk during which Dr. Kissinger said that US policy wouldn't change with Mr. Lord's absence although it would be less efficient. He was counting on Mr. Lord's getting bored on the outside and also on the good sense of his Chinese wife.]

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<u>Dr. Kissinger</u>: I saw that Ambassador Bruce arrived yesterday. We need to expand our office since 10,000 Americans want to work there. [laughter]

You still don't know when your Ambassador arrives?

Ambassador Han: There is still no news. As soon as we do know, we will let you know. Mr. Solomon asked Mr. Chi whether the Ambassador might come while you are in Paris. [Dr. Kissinger indicates puzzlement.]

Ambassador Han: We have no news. He was just wondering if the Ambassador might come while you were away.

<u>Dr. Kissinger:</u> Whenever he does come he will be highly welcomed. Of course, the President will see him very soon after his arrival.

Ambassador Han: We are looking foward to that.

Dr. Kissinger: It is always a pleasure to see our friends. I will leave first and separately so that you can leave more discreetly.

[There were then cordial farewells. Mr. Lord checked to make sure that there were no people around to notice the Chinese departure. There was a brief discussion in which Mr. Lord told the Chinese that they should contact Mr. Lord the next day or two, and after that, Mr. Howe. Mr. Lord again indicated he was looking forward to seeing the Chinese on a personal basis. He asked Mr. Kuo to give his warm regards to Ambassador Huang Hua and Mrs. Shih in New York. There were then very warm farewells as Mr. Lord escorted the Chinese to their limousine waiting at the diplomatic entrance.]